

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

BURRELL BEHAVIORAL HEALTH,)
v.)
Plaintiff,)
v.)
DRS GROUP,)
Defendant.)
Case No. 6:19-03251-CV-RK

ORDER

This diversity action involves a contract between Plaintiff Burrell Behavioral Health and Defendant DRS Group for bulk scanning services of Plaintiff's protected health information ("PHI"). Plaintiff alleges, among other things, that Defendant failed to appropriately safeguard the PHI and now refuses to return the PHI until Plaintiff pays its invoices.

Before the Court is Plaintiff’s motion for temporary restraining order, show cause order and preliminary injunction (the “Motion”). (Doc. 2.) Plaintiff filed this lawsuit on July 16, 2019, and contemporaneously filed the Motion. Defendant has not been served. Because Plaintiff did not certify in writing the efforts it made to give notice to Defendant, nor did it explain why it should not be required to give such notice, the Court cannot issue a temporary restraining order. *See* Fed. R. Civ. P. 65(b)(1)(B). Because Defendant has not yet been given notice of the motion, the Court also cannot rule on the motion for a preliminary injunction. *See* Fed. R. Civ. P. 65(a). Accordingly, Plaintiff’s Motion is **DENIED**. If Plaintiff believes a temporary restraining order or preliminary injunction is still necessary, it may file a new motion that complies with Rule 65.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: July 17, 2019